

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF HORACE AND ) APPEAL NO. 07-A-2155  
SALLY HUNT from the decision of the Board of ) FINAL DECISION AND  
Equalization of Blaine County for the tax year 2007. ) ORDER

**CONDOMINIUM APPEAL**

NOTICE OF APPEAL was filed July 31, 2007, by Appellants, from a decision of the Blaine County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP K083800A0020A. As a matter of convenience, this appeal be heard on the written record of evidence and argument presented, without appearance at a hearing. This Board subsequently requested that all information and evidence to be considered be submitted by both parties. The Board now issues its decision based upon the documentary record.

**The issue on appeal is the market value of a condominium.**

**The decision of the Blaine Board of Equalization is affirmed.**

**FINDINGS OF FACT**

The total assessed market value is \$428,000. Appellants request the total market value be reduced to \$300,000.

The subject property is a two story condominium consisting of 1,121 square feet with 2 bedrooms, 2 baths and a detached garage. Subject is part of The Laurel Condominiums located in Ketchum, Idaho.

Appellants stated the assessed value of subject property for tax year 2007 was too high. Taxpayers asserted there had been a nearly three fold increase in the assessed value since tax year 2006.

Appellants stated subject was purchased in 1987 for \$74,500. Since that time only basic

maintenance had been performed, which included painting, replacement of carpet, faucets and appliances, but no remodel had been done on subject.

Appellants submitted twenty four sale properties for comparison to subject. Of these twenty four sale properties eleven had undisclosed sale prices. Taxpayers then asserted of the twenty four sale properties fifteen had been remodeled extensively, while subject had remained essentially in the original 1978 condition. The average sale price reported by Appellants for the properties was \$171,760, much lower than the \$428,000 assessed value.

In addition, Appellant also submitted 2007 sales and current listings.

The Assessor presented five sales to support the assessed value of subject. The properties were built between 1972 and 1984 and ranged in size from 979 to 1,139 square feet. Of these properties three had been partially remodeled in 1999, 2000 and 2003 and a fourth underwent a complete remodel in 1999. It is unknown if the fifth property had been remodeled. These properties had sale prices ranged from \$415,000 to \$510,000. None had garages. The Assessor stated the subject garage was likely worth \$50,000 to \$60,000 dollars on its own.

Two of the sales submitted were part of the Horizon 4 condominiums. The Assessor stated subject is superior to Horizon 4 units in quality and overall location. In August of 2002 a Laurel unit, which had not been remodeled, sold for \$270,000. Two Horizon 4 properties sold in the same year, one for \$193,000 and the other for \$240,000, neither had been remodeled. Additionally, Laurel condominiums were superior because it consists of only eight units, is within walking distance to the Post Office and other in-town amenities, and has a good view of the Boulder Mountains.

A property from the Smokey Lane project and a Krystal Villa property were also submitted to compare to subject. It was asserted by the County the Smokey Lane property was inferior to

subject because it was not located directly in the core of Ketchum and did not have garages. As for the Krystal Villa property, though it set the upper limit of the Assessor's sale prices and was superior to subject in that it possessed better views and more privacy, Krystal Villa did not have garages.

The Assessor discussed the comparable properties that were submitted by the Appellant. The County stated the figure of \$171,760 given by Appellant as the average of the property sale prices was flawed because the figure included the eleven sales with undisclosed \$0 sale prices.

Appellant had noted fifteen of the twenty four sale properties submitted had been remodeled. The County asserted no proof of remodeling was provided by Appellants and it was unknown which of the sale properties had been remodeled because Appellant did not identify them. There was a 23% difference between the highest and lowest sale prices, however this could be due to factors such as location, amenities, views and age in addition to remodeling. Furthermore, the detached garage which subject has could offset any difference in price, as none of the sale properties had garages.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following conclusions.

We commend both parties to this appeal for their excellent preparation and presentation of their respective value cases.

Idaho is a market value state for property tax purposes.

**Idaho Code § 63-201. Definitions --**

(10) "Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

To further clarify market, the statute defines January 1 of the tax year as the value lien date.

**Idaho Code § 63-205. Assessment – Market value for assessment purposes**

(1) All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day of January in the year in which such property taxes are levied, except as otherwise provided. Market value for assessment purposes shall be determined according to the requirements of this title or the rules promulgated by the state tax commission.

Therefore, the sales which took place during 2007 and the current listings will not be considered for this assessment year.

"In determining the value of property for taxation purposes the assessor may and should consider cost, location, actual cash sale value and all other factors, known or available to his knowledge, which affect the value of the property assessed, to the end that the property of each taxpayer will bear its just proportion of the burden of taxation." Abbot v. State Tax Comm'n, 398 P.2d 221, 225, 398 P.2d 221, 225 (1965).

Appellant's case involved sales and current listings, however, no specifics were detailed in comparison to the subject. Not enough detailed information regarding the sales was submitted for the Board to consider. In this case we find the County's sales support the assessed value of subject.

"The value of property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a preponderance of the] evidence that he is entitled to the relief claimed." Board of County

Comm'rs of Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

We find Appellants have not overcome the burden of proving the assessment is excessive.

Therefore, the decision of the Blaine County Board of Equalization is affirmed.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Blaine County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED April 30, 2008